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EIGHTH BIENNIAL REPORT

OF THE

*Bureau of Child and  
Animal Protection*

OF THE

*State of Montana*

HELENA, MONTANA

1915-1916



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Helena. Montana, January 15, 1917.

To the Honorable S. V. Stewart,  
Governor of Montana,  
Helena, Montana.

Dear Sir:

In compliance with the statutes relating to the creation and government of the Bureau of Child and Animal Protection, I submit herewith the report of the work of this department for the two years ending November 30, 1916.

Respectfully submitted,

M. L. RICKMAN,  
Secretary Bureau of Child and  
Animal Protection of the State  
of Montana.

## REPORT OF THE BUREAU OF CHILD AND ANIMAL PROTECTION FOR THE YEARS 1915-1916.

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The record of this Bureau for the past two years will be shown in a general way by the statistics compiled from the monthly reports of the secretary and deputies and made a part of this report.

Reports and figures do not adequately represent the work done by the State for the protection of children and animals. In many cases the best remedy is secured by a quiet adjustment of conditions without undue publicity. In cases demanding a court proceeding the Bureau has endeavored to secure evidence sufficient to support a prosecution before the filing of a complaint, and careful investigations have been made prior to the filing of petitions. Our relations with justice and district courts, so far as I know, have been harmonious.

The Bureau has received valuable assistance from public officials and private individuals, institutions and societies and also from the Attorney General and the county attorneys of the State.

The following with the secretary comprise the personnel of the Bureau:

District deputies: P. J. Gilligan, Butte; L. K. Devlin, Havre; Jas. K. Lang, Kalispell; Will Cave, Missoula; G. E. Berg. Billings; A. E. DeCew, Great Falls. Special deputy: Wiley Mountjoy, Cardwell. Clerk: Mary I. Bryce, Helena.

### DEPENDENT CHILDREN.

Two years ago the legislative assembly enacted a law providing for the care of children under fourteen years of age whose mothers are wholly dependent upon their labor for support which is probably one of the greatest chapters of humane legislation on our statutes. This principle in some form has a place in the laws of twenty-six states and has proven a splendid remedy against the curses of child-labor and child-poverty. It protects the child with its mother. She, as a rule, cares for it better than any one else and at less expense, for if the mother fails mentally, physically or

morally, the state must care for the child and pay a double price. It requires careful and united effort for father and mother to bring up children in a proper manner. If the father dies, is permanently disabled, is sent to the State Prison, or State Hospital, the mother is left with a double responsibility and enough work for two.

To assist in the operation of the law, the necessary forms were prepared by the Bureau and mothers of indigent children were given help in securing aid. These forms have been printed by many counties, saving applicants the expense of employing attorneys. Those who are worthy and in need of financial aid do not have money to pay for legal services. The Bureau has a record of 305 mothers with 775 children receiving aid under the law, and many others are receiving such relief under the provisions of this beneficent law. I suggest that subdivision 2 of section 3 of Chap. 86 be modified so that the aid to mothers with infant children should not be conditioned on their working away from home. It has been suggested that the law should be amended to include cases of desertion, but I am of the opinion that such provision would be a mistake under present conditions. In many states the desertion of minor children under given ages is a felony, with the natural result that very many lazy husbands bring their families to Montana, where penalties are less severe, and leave them to be cared for at the expense of the public. Such husband may intend to return when the children are old enough to aid in his support. It is difficult to prove that he deserted his child "with the intent wholly to abandon it," and such proof is necessary to support a conviction under Section 8346, R. C.

The Bureau has investigated 1,407 cases of dependent children, of whom 133 were sent to the State Orphan's Home, 105 placed in private orphanages, and 265 in private homes. The State Orphans' Home does not have sufficient capacity to provide for a large number of applicants. Many children are on the list for admission, and much time has been spent in making temporary provision for homeless children. As a rule people are not willing to care for children on the terms allowed, and the commissioners must do all they can to protect the finances of their counties. As indicated in former reports, the institutions at Twin Bridges, Boulder,

and Miles City, have not shared equally with other institutions in the matter of appropriations. In recent years an attempt has been made to correct this lack of proportion and the splendid improvements reported by these institutions reflect credit upon the State. Accommodations are still fearfully inadequate, and it is to be hoped that these institutions will continue to receive their fair and just share of appropriations. It is criminal for a parent to neglect to provide the necessities for his children, and it is not in harmony with the purposes of law for the State to neglect its wards. The State Orphans' Home has splendid buildings which are both modern and sanitary. The institution is well conducted and too much cannot be said in commendation of the excellent work done by President Waller Shobe and his corps of assistants. It has been suggested that equipment for industrial training be provided for the Home, but it is possible that those who favor such addition are not fully advised of the situation. The population is changed approximately every two years. It is not necessary to keep the average child any longer than the time required for placing out, or returning it to the Home after the expiration of twelve months. Children kept too long are slow to adjust themselves to conditions in private homes, are usually dissatisfied and anxious to continue life as wards of the State. It is imperative that children ready for discharge be placed out or returned to their homes in strict compliance with the law, to make possible the admission of a part of the applicants on the waiting list. After children become eligible for placement it is not an easy task to find homes for all classes; some dependent children are not suitable for adoption, and putting them out involves a constant change from place to place. As a result, a few dependent children must be provided for by the State for a much longer period than twelve months. The State Deputy, Mr. Wiley Mountjoy, has submitted the following report:

"November 30, 1916.

"Mr. M. L. Rickman, Secretary,

"Bureau of Child and Animal Protection,

"Helena, Montana.

"Dear Sir:

"I submit herewith a summary of my work as Field Agent in placing children and supervising the



home placing work for biennial period from November 30, 1914, to November 30, 1916.

"By virtue of my position I am the agent of the State Orphans' Home. as I am charged with the work of securing homes for the State's children, and of exercising supervision over them after they are placed.

"This is a comparatively new work for Montana. The home-placing and supervision previously done was by the authorities of the Home. They had little time and facilities for this. There was, necessarily, much reliance upon recommendations, correspondence, etc., not always reliable.

"Before the present arrangement was made by legislative action, Rev. J. A. Barnes, of the Children's Home Society, placed a number of our children in various homes of the State. His work covered a period of about two years. Some of the older States, which have had a larger and longer experience with the dependent child problem and have institutions for the care and education of destitute children, regard the home-placing and supervising agency, as an indispensable feature of the dependent child problem. Minnesota employs five agents for this work. This is, confessedly, a delicate and difficult task. It is not a question of placing ideal children in ideal homes. Theoretically that is the way it appears. We have to deal with real people and real children. As a rule both are far from perfect.

"Neither can we go out and select the best homes (childless and otherwise) and say to them, "You must take children because you are fit and able in every way." We must place them in homes that offer and want them, if at all.

"Many homes are offered, many children are sought,—babies, young children and older ones up to 16 years of age. Usually, children under 5 years and over 10 are desired. We are not often asked for boys between the ages of 5 and 10 years. They are in the "savage state" and considered "undesirable citizens."



"After the home is approved, then comes the question of adaptation, or fitting the child to the home. The question of age, sex, nationality, religion, and sometimes even the color of the hair and eyes, are matters of serious consideration. Sometimes after weeks or months of trial it is necessary to make a change. It is not always the fault of either the home or the child, simply a case of misfit. It may be another instance of "incompatibility" that leads to this divorce.

"With all its disadvantages and difficulties, I am convinced, after years of experience and observation, that the policy of home-placing and supervising is indispensable in dealing with the dependent child problem.

"It is commonly conceded that it is not best to keep children in institution homes until they are men and women. They must become acquainted with and take their places in the world sometime. The family home offers the best experience, the best training and equipment for citizenship. This may often involve hardship and trials, these same trials sometimes make the best men and women. At any rate they enter into the experience of the best.

"It has been my happy experience in this work to meet with scores of young men and women who were formerly charges of the State, and are now out in the world for themselves. Many of them are married, and have homes and children of their own; most of them are doing well. Rarely do I find one who has become a criminal or a public charge.

"During the two years I have placed 128 children—nearly all from the State Orphans' Home. A few orphans were placed directly, without first committing to the Home. Also a few babies from the Crittenton Home.

"It has been necessary to make 12 changes — transfer to other homes; a few of them twice. 53 of the above have been adopted, or are awaiting adoption. Of the others, some are with relatives, some

on probation; the balance are being reared, clothed and educated as members of the family, but not formally adopted.

"The younger children are usually adopted. As a rule the homes seeking small children are the best, as they are not open to the suspicion that they are seeking children for service.

"Have made 275 visitations and investigations (visits to homes seeking children and to children after placed).

"I have had very pleasant relations with Rev. J. V. Hawk, Supt. of the Montana Children's Home Society, and its Home-placing Agent. He has shown me many favors, which I appreciate. I trust we have been mutually helpful.

"President Waller Shobe and the authorities of the Orphans' Home have always been helpful, in many ways, for which I am grateful.

"Respectfully submitted,

"WILEY MOUNTJOY,

"State Deputy."

## CRUELTY TO CHILDREN.

The Bureau has investigated 79 complaints of actual cruelty, 279 cases of neglect, and 608 children in destitute circumstances. The following quotations from some of the reports will give an idea of many misdemeanors investigated by the Bureau: "Starving babe fights for life, deserted mother underfed and in a depressed state of mind scarcely able to comprehend offer of assistance"; "deserts his wife and baby for another woman"; "for more than two years he has failed to support his wife and eight children"; and "deserted mother of four struggles hard for living." In the disposition of such cases the first step is to secure temporary relief, usually from the county, and occasionally from public or private charities. If the "lazy husband" can be found, we try to make him support his family. If he continues such neglect he is prosecuted, provided he is not beyond the jurisdiction of the justice court, which is often the case. I would again recommend the enactment of a law which will force "lazy husbands" to work for their families, thereby relieving the taxpayer of a heavy burden. This law has been satisfactory in many states. Chief Probation Officer Hunter, of Chicago, formerly a resident of Montana, says concerning this law that at least 3,000 "lazy husbands" in that state prefer to live with their families and support them, rather than to be forced to support them by compulsory labor. There have been 3,000 fewer prosecutions for the fiscal year just ended than for the previous year.

87 cases of statutory rape have been investigated by this department, resulting in 68 prosecutions and 26 convictions. In the preceding biennium only 14 convictions were reported. In the investigation of a crime so hideous and abhorrent the department has made special effort to avoid any mistake in asking for a prosecution. Reports of this Bureau show that it is not easy to secure a conviction for a statutory crime, though much has been done to protect the general public and uphold the good name of the state.

A few so-called physicians, who have failed to build up a decent practice, and have lost the confidence of their former patients, are accused of resorting, like Herod the Great, to crimes brutal and barbarous. The "slaughter of the innocents" is so hedged about with technicalities and

protected by persons in danger of self-incrimination that conviction is rarely possible. While the clause, "unless the same is necessary to preserve her life," is apparently humane in purpose, it really affords a means of evasion to the practitioner whose greed is greater than his respect for his profession. The public should have some better legal safeguard against the modern "Moloch, horrid king, besmear'd with blood." Reputable physicians inform me that the scarcely ever find such a remedy necessary to save life, and that they never perform such operation except in the presence of at least one other reputable physician. I therefore suggest the advisability of an amendment to Section 8351, R.C., changing the above clause to read, "unless same shall have been advised by two reputable practicing physicians to have been necessary to save the mother's life." Such provision would tend to protect society against frequent repetitions of the offense, and would save many women doomed to disgrace and even to death under present conditions.

### Defective Children.

On my last visit to the State School for the Deaf, Blind and Feeble-Minded, there was an enrollment of 169; 18 blind, 67 deaf, and 84 backward-minded.

The main building and girls' hall have three floors and basement; the gymnasium and hospital two floors. The other principal buildings are the power house, laundry and a building for employees. The building for the backward-minded has three stories and a basement and there is a house on the farm where some of the older students are placed for special training. The buildings are equipped with excellent heating and ventilating systems, bath and other appliances essential to clean, comfortable and sanitary buildings for school and dormitory purposes. The institution compares favorably with schools for like purposes in other states. Children deprived of one of the physical senses are entitled to special care and training to enable them to properly care for themselves, communicate with others and become self-supporting. With their fingers the blind see and the dumb speak, but the task is accomplished by patient and persistent industry. Children mentally deficient likewise require specially trained teachers and attendants and they must receive constant care and supervision. The school

term begins on the second Wednesday in September and closes on the second Wednesday in June of each year. The lack of provision for children without homes renders it difficult to make satisfactory arrangements for them during the vacation months. Children are admitted to the school between the ages of 6 and 21 years and the State is humane in its provision for the mental, moral and physical training of its feeble-minded youth, but after they leave the school they are left to the tender mercies of persons without any respect for themselves or the rights of others.

It is generally admitted that two-thirds of feeble-mindedness is inherited. If Montana is to be protected financially, morally and socially, it is imperative that some action be taken in the near future to check the increase of this class of unfortunates and the best and only way is to prevent parent-hood among the feeble-minded. The Superintendent of the Ohio School for Feeble-Minded says; that one girl from that institution became the mother of fifteen children and all of those children were sent to the same school for care and training. Indiana has a farm colony for feeble-minded women which is self-supporting. The cost of establishing such institutions for men and women will require no small investment and is suggested here as a humane measure to be considered seriously in the program for future legislation.

If such persons are not made permanent wards of the State the cost of caring for their descendants will increase until the State will be compelled to adopt measures on a much larger scale.

### **Delinquent Children.**

Youthful offenders between the ages of eight and eighteen years may be committed by the district courts to the State Industrial School until they reach the age of 21 years, unless sooner discharged or paroled in accordance with the regulations of the school. It is necessary for the child to remain at least one year before he can earn sufficient credit marks to entitle him to parole. Girls may be discharged at eighteen if it is thought best by the authorities, and any child may be discharged on receiving a pardon. The school has 102 boys and 38 girls. This number may vary at any time on account of paroles and new committments. The



girls are housed in the main building and receive instructions in the day school and in domestic science. The boys have larger dormitories and enjoy greater conveniences. They are also required to do school work and receive instruction in carpentry and cabinet making, shoemaking, tailoring, cooking, work in the laundry, in the garden and on the farm. The children are provided with both indoor and outdoor games and have their own moving picture show on each Saturday evening. Some of these privileges are conditioned on the number of credit marks received during the week.

Some of the girls are in private institutions. There are about twenty maternity cases at the Crittenton Home and about fifty delinquent girls in the House of the Good Shepherd. Some are sent by their own families, and some are committed by the courts because their friends oppose their committment to the same industrial school where delinquent boys are detained. The sexes are kept apart from each other at the State Industrial School, but we need the building occupied by the girls for a smaller class of boys, and we need a state institution especially for girls. Such institution has been recommened repeatedly by this Bureau in former reports and I understand that the Women's Clubs of the state will ask for a law authorizing the establishment of a girls' school and that they have decided to ask for no other legislation from the present Legislative Assembly.

As a rule delinquent children do not come from the best homes. Most of them have been accustomed to knocks and kicks, hunger and disappointment at home, and bad company away from home. They are strangers to kind words, good manners and refinement, and are filled with enmity against children from good homes and against the law of the land. The peace officer is an enemy to be avoided or deceived; any crime is not wrong unless you are caught. When held for some criminal act, or as a witness against some other person who is an offender they agree with the boy who said, "A lie is a very present help in time of trouble."

In the matter of poor homes, Montana towns and cities are not the worst offenders. With the rush of new settlers to occupy our vast agricultural areas we are facing a problem in the poor country home, without vine or shade tree or any other mark which indicates a comfortable dwelling

place. Some homesteaders fail because of misfortune or poor management; others increase in wealth and tear down their barns to build greater, and continue to live in the same old shacks with their growing families, without any consideration for the comfort, convenience, pleasure or privacy of the true home. About 70% of our young unmarried mothers come from the country, and as a rule those who come from our towns were also denied the protection of even inexpensive accommodations necessary to reasonable decency and comfort. It is also true that most of the boys who are cared for by the State as delinquents became such because there was no room for them in their own homes.

Our juvenile laws found in the Twelfth Session Acts were copied in part from the Colorado juvenile code, omitting some of the most important provisions contained in that code. This Act was amended by the Fourteenth Session extending the work of the probation officer to the territory of the judicial district in which he is appointed, but it failed to make any provision for detention homes in the several districts. Moral suasion may constitute nine-tenths of probation work, but that may be lost without the other part which gives sufficient authority to enforce the law to preserve peace and protect the rights of the people. At present we have one local Industrial School in Silver Bow County—because that county has the population required by the juvenile law.

In the Industrial School in Butte, the children may remain only a few days or a few weeks, and be returned to their homes at any time when such course is for the best interests of the child.

The Juvenile Act should be revised by a competent commission, and those parts corrected which are inconsistent with other provisions of the Act itself or in conflict with other laws of the state. Much confusion could be avoided by compiling the laws concerning children and publishing the same in a separate pamphlet, similar to that of our General School Law.

### **Cruelty to Animals.**

Much has been done by the State to prevent all forms of cruelty to animals. The man who wilfully injures or neglects any animal is guilty of a criminal act. The pains



inflicted on the dumb creatures that labor for us must be degrading to humanity—repulsive to all who cherish ideals of gentleness. The beautiful legend of the shepherd going out to find the sheep that was lost is symbolic of the claim that feebleness has on strength, and of man's responsibility to lower animals, according to the mandates of law and no less urgent demands of public sentiment.

Strange to say, the horse, man's most useful servant, is the animal most abused. The Stampede and the Roundup are losing in favor as public exhibitions, and this department will be glad to see them discontinued forever.

The Bureau has investigated 235 complaints during the past two years, and nearly all of the offenders were willing and glad to comply with the instructions given and the conditions imposed.

Prosecutions were had in 26 cases resulting in 16 convictions and 10 acquittals. 33 animals were killed and in 13 cases the owners prohibited from working their animals until they were put in a satisfactory condition for service without cruelty.

The closing biennium has made great demands on each member of the department. Each deputy is required to industriously apply himself to many kinds of work extending over a large district. He is wanted in many different places at the same time, but for purposes of economy in both time and money he must care for many cases on every extended trip; cases often running the scale from truancy to tragedy, and he must give to every case special attention according to its character.

We fully appreciate the courtesy of the Fourteenth Legislative Assembly in making provision for the employment of a special deputy who gives all his time to securing homes for children. At this time we do not ask for any increased appropriation. It is true that we need additional deputies, but hesitate to ask for them, because of the many other important interests pressing very urgent claims upon the Fifteenth Assembly.

The statistics on the following page show the important cases disposed of by this Bureau since the last report was submitted.

## SUMMARY OF WORK FOR THE YEARS 1915-1916.

**Dependent Children.**

Investigations .....	1,407
Sent to State Orphans' Home .....	133
Sent to Private Orphans' Home .....	105
Secured County Aid .....	259
Placed in Private Homes .....	265
Adopted to Private Families .....	41
Sent out of the State .....	126

**Delinquent and Incurable Children.**

Investigations .....	751
Sent to State Industrial School .....	52
Sent to House of Good Shepherd .....	53
Sent to Florence Crittenton Home .....	29
Placed in Private Homes .....	22
Paroled .....	249
Sent out of the State .....	26
Other Dispositions .....	45

**Defective Children.**

Investigations .....	48
Sent to Boulder Schools .....	20
Sent to State Insane Asylum .....	9
Other Dispositions .....	7

**Investigations.**

Cruelty to Children .....	79
Immorality of Parents .....	113
Non-support and Desertion of Children .....	279
Statutory Rape .....	87
Selling Liquor or Tobacco to Minors .....	22
Destitution and Improper Care .....	608

**Prosecutions.**

Cruelty to Children .....	8
Non-support and Desertion of Children .....	65
Immorality of Parents .....	22
Open and Notorious Adultery .....	5
Statutory Rape .....	68
Selling Liquor and Tobacco to Minors .....	18
Admitting Minors to Gambling .....	4
Incest .....	4

**Convictions.**

Cruelty to Children .....	6
Non-support and Desertion of Children ..	38
Immorality of Parents .....	13
Open and Notorious Adultery .....	3
Statutory Rape .....	26
Selling Liquor and Tobacco to Minors.....	11
Admitting Minors to Gambling .....	4
Incest .....	3

<b>Marriages</b> .....	33
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**Cruelty to Animals.**

Investigations .....	235
Prosecutions .....	26
Convictions .....	16
Animals Killed .....	33
Animals Condemned .....	13

Helena, Montana, November 30, 1916.



